

**REMARKS**

Claims 1-19 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

**35 USC 112 Second Paragraph Rejection of Claims 10-19**

The Office Action rejected claims 10-19 as allegedly being indefinite under 35 USC 112. In particular, the phrase “simultaneously recording and transmitting a microphone signal and a pre-recorded signal to” is allegedly confusing as to reciting simultaneously recording and transmitting a microphone signal or to simultaneously transmit a microphone signal and a playback signal.

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The preamble of the claim recites “simultaneously recording and transmitting a microphone signal and a played back pre-recorded voice signal to a far end party”. The Applicants recite simultaneously recording and transmitting a signal. The signal being transmitted is a microphone signal and a played back pre-recorded voice signal.

The claims are clear as written. The Applicants respectfully request the rejection of claims 10-19 under 35 USC 112 be withdrawn.

**Claims 1, 2, 5, 6, 8-10 and 15 over Sacca in view of D’Agosto**

In the Office Action, claims 1, 2, 5, 6, 8-10 and 15 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Sacca, U.S. Patent No. 5,692,042 (“Sacca”) in view of D’Agosto III et al., U.S. Patent No. 4,790,002 (“D’Agosto”). The Applicants respectfully traverse the rejection.

Claims 1, 2, 5, 6, 8 and 9 recite, *inter alia*, a record module for recording a voice of a far end user and a microphone signal, and a message playback signal is combined with the microphone signal for transmission over a telephone line. Claims 10 and 15 recite, *inter alia*, transmitting a combined microphone signal and playback signal to a far end party over a telephone line and recording a microphone signal and a voice of a far end user.

Sacca appears to disclose a speakerphone which employs non-linear amplifiers to compress transmit and receive signal (Abstract). Level detectors determine levels of the compressed transmit and receive signal (Sacca, Abstract). Selector switches permit the connection of a combined source signal and a signal from a handset microphone for transmission to a telephone line (Sacca, col. 8, lines 39-43). The combined source signal carries one or more alternate signal sources, e.g., tape playback, tones, synthesized speech, etc. for transmission over the telephone line (Sacca, col. 8, lines 43-49).

The Office Action correctly acknowledged that Sacca fails to disclose a recording module for recording an incoming voice signal during a telephone conversation (Office Action, page 3). However, the Office Action relies on D'Agosto to allegedly make up for the deficiencies in Sacca to arrive at the claimed invention. The Applicants respectfully disagree.

D'Agosto appears to disclose a combined telephone-dictation terminal (Abstract). A record/playback module comprises a desk-top dictating machine and is adapted to carry out typical dictating functions by which audio messages may be recorded (D'Agosto, col. 10, lines 31-34). The record/playback module is used to record and playback signals on a telephone line (D'Agosto, col. 17, lines 17-45). The record/playback module is capable of cooperating with a transceiver to function as a telephone answering machine, to record telephone-transmitted dictation from a remote location or to record a telephone conversation (D'Agosto, col. 10, lines 55-60).

✓ D'Agosto discloses a record/playback module functioning as a telephone answering machine, to record telephone-transmitted dictation from a remote location or to record a telephone conversation. The record/playback module is able to perform three functions, one at a time through the use of a single record/playback module. D'Agosto **teaches away** from performing a record function in conjunction with a playback function, much less recording a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claims 1, 2, 5, 6, 8-10 and 15.

Neither Sacca nor D'Agosto, either alone or in combination, disclose, teach or suggest recording a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claims 1, 2, 5, 6, 8-10 and 15.

Accordingly, for at least all the above reasons, claims 1, 2, 5, 6, 8-10 and 15 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claims 3, 4, 11-14 and 16-19 over Sacca in view of D'Agosto and Li**

In the Office Action, claims 3, 4, 11-14 and 16-19 were rejected under 35 U.S.C. §102(e) as allegedly being obvious over Sacca in view of D'Agosto and further in view of Li, U.S. Patent No. 5,612,996 ("Li"). The Applicants respectfully traverse the rejection.

Claims 3, 4, 11-14 and 16-19 are dependent on claims 1, 10 and 15 respectively, and are allowable for at least the same reasons as claims 1, 10 and 15.

Claims 3 and 4 recite, *inter alia*, a record module for recording a voice of a far end user and a microphone signal, and a message playback signal is combined with the microphone signal for transmission over a telephone line. Claims 11-14 and 16-19 recite, *inter alia*, transmitting a combined microphone signal and playback signal to a far end party over a telephone line and recording a microphone signal and a voice of a far end user.

As discussed above, neither Sacca nor D'Agosto, either alone or in combination, disclose, teach or suggest performing a record function in conjunction with a playback function, much less the ability to record a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claims 3, 4, 11-14 and 16-19.

The Office Action relies on Li to allegedly make up for the deficiencies in Sacca to arrive at the claimed invention. The Applicants respectfully disagree.

Li appears to disclose a loop gain processing scheme for a speakerphone (Abstract). A system loop gain is determined according to two echo feedback paths within the speakerphone system (Li, Abstract). Li teaches the prior art had used a gain module comprised of an automatic gain control in conjunction with a receive channel gain adjustment (Li, Fig. 1; col. 3, lines 44-52).

Li discloses gain control for a speakerphone. Li fails to disclose a record function, transmitting a combined microphone signal with a playback signal, much less disclose, teach or suggest the ability to record a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claims 3, 4, 11-14 and 16-19.

Neither Sacca, D'Agosto nor Li, either alone or in combination, disclose, teach or suggest recording a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claims 3, 4, 11-14 and 16-19.

Accordingly, for at least all the above reasons, claims 3, 4, 11-14 and 16-19 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claim 7 over Sacca in view of D'Agosto, Knuth and Li**

In the Office Action, claims 3, 4, 11-14 and 16-19 were rejected under 35 U.S.C. §102(e) as allegedly being obvious over Sacca in view of D'Agosto, Knuth et al., U.S. Patent No. 5,768,349 ("Knuth"), and further in view of Li, U.S. Patent No. 5,646,990 ("Li2"). The Applicants respectfully traverse the rejection.

Claim 7 is dependent on claim 1, and is allowable for at least the same reasons as claim 1.

Claim 7 recites, *inter alia*, a record module for recording a voice of a far end user and a microphone signal, and a message playback signal is combined with the microphone signal for transmission over a telephone line.

As discussed above, neither Sacca nor D'Agosto, either alone or in combination, disclose, teach or suggest the ability to record a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claim 7.

The Office Action relies on Knuth and Li2 to allegedly make up for the deficiencies in Sacca and D'Agosto to arrive at the claimed invention. The Applicants respectfully disagree.

Knuth appears to teach a digital telephone answering device that allows messages to be forwarded to certain internal mailboxes (Abstract). Messages can be moved or re-assigned from a common message area to a certain mailbox or mailboxes (Knuth, Abstract). The telephone answering device includes speakerphone capability (Knuth, col. 8, lines 44-55).

Li2 appears to teach a system and method for eliminating howling due to sudden changes in the acoustic echo path between a speakerphone microphone and a loudspeaker (Abstract). An automatic gain control module and a scale factor is located before a D/A converter (Li2, Fig. 2).

Knuth and Li2 teach automatic gain control for a speakerphone. Knuth and Li, fail to disclose, teach or suggest the ability to record a microphone signal and a voice of a far end user, much less the ability to record a microphone signal and a voice of a far end user in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claim 7.

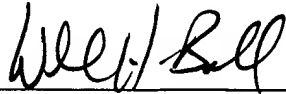
Neither Sacca, D'Agosto, Knuth nor Li2, either alone or in combination, disclose, teach or suggest the ability to record a microphone signal and a voice of a far end user, in conjunction with transmitting a combined microphone signal with a playback signal, as recited by claim 7.

Accordingly, for at least all the above reasons, claim 7 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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